FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

JUDGE'S ORDER NO.496 OF 2006 IN EXA. NO.34 OF 2002
IN
CASE NO.CCIII/840 OF 1993

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders.**

Mr.R.N.Singh i/by Singh & Co.for the Decree holder.

Mr.Ramakrishna for Auction Purchaser.

Mr.Densil D'mello i/by N.J.D'monte for Opponent No.4.

CORAM : R.S. MOHITE,J.
DATED : 19TH DECEMBER,2006.

P.C.

1. Heard all parties and perused the Sheriff's report dated 13.12.2006.As the entire purchase amount and transfer amount is deposited, Judge's order is separately signed. However, since the Advocate for the Defendant No.4 states that the possession of the Opponent No.4 may not be disturbed during the Christmas festival. Judge's order which I have separately signed may not be executed till 4.1.2007 if an undertaking is filed in this court that no third party right will be created in

the flat in question. The Advocate for the Opponent No.4 upon taking instruction from the Opponent No.4 who is present in court gives an undertaking that till the Judge's order is executed, the opponent No.4 will not create any third party right or part with possession or any part thereof in the flat in question. He makes a statement that the opponent and his family members alone are residing in the flat. Undertaking is accepted. Execution of my order is deferred on humanitarian ground and which does not create any right or interest in favour of opponent in the suit property. Sheriff's report and the Judge's order stand disposed off. There is further undertaking given by the opponent No.4 that after 4.11.2007 he will voluntarily handover the possession to the auction purchaser or the representative of the Sheriff as soon as they approach to him. Undertaking accepted.

(R. S. MOHITE, J.)